

“(B) EXEMPT STATES.—For each eligible State under paragraph (5) that elects to receive an exemption under paragraph (1), the Secretary shall—

“(i) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of performance measures for all exemptions applied to that State under this subsection; and

“(ii) make publicly available as part of the State performance dashboard on the Department of Transportation website information on the performance of the State with respect to any requirements from which the State is exempt.”.

SA 2451. Mr. MORAN (for himself, Mrs. MURRAY, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUITY SUPPLEMENT.

Section 8421a(c) of title 5, United States Code, is amended—

(1) by striking “as an air traffic” and inserting the following: “as an—

“(1) air traffic”;

(2) in paragraph (1), as so designated, by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(2) air traffic controller pursuant to a contract made with the Secretary of Transportation under section 47124 of title 49.”.

SA 2452. Mr. JOHNSON (for himself, Ms. BALDWIN, and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I of division A, insert the following:

SEC. 111 _____. STOP MOTORCYCLE CHECKPOINT FUNDING.

Section 4007 of the FAST Act (23 U.S.C. 153 note; Public Law 114-94) is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(3) otherwise to profile or stop any motorcycle operator or motorcycle passenger using as a factor the clothing or mode of transportation of the operator or passengers.”.

SA 2453. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA

(for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40121(b)(1) of subtitle B of title I of division D, in the matter preceding subparagraph (A), insert “to develop and organize, based on the recommendations of the National Infrastructure Advisory Council and the Cyberspace Solarium Commission, a pilot Critical Infrastructure Command Center or Joint Collaboration Environment to facilitate and enable public-private partnerships to carry out relevant functions, including” after “carry out a program”.

SA 2454. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 30005 in division C, add the following:

(c) FEDERAL SHARE ADJUSTMENTS.—

(1) IN GENERAL.—In addition to amounts made available under section 5338 of title 49, United States Code, there are authorized to be appropriated for fiscal year 2022 such sums as are necessary to increase the Federal share, at the request of a project sponsor, of a new fixed guideway capital project, a core capacity improvement project, or a small start project (as those terms are defined in section 5309(a) of that title) that—

(A) is not open to revenue service; and

(B) has received an allocation of funding in any of fiscal years 2019, 2020, and 2021.

(2) CRITERIA.—In allocating amounts made available under paragraph (1) to projects described in that subsection, the Secretary of Transportation shall take into consideration the extent to which a project sponsor demonstrates a need for a higher Federal share, including the extent to which—

(A) the project sponsor made a local financial commitment that exceeded 20 percent of the cost of the project; and

(B) the project sponsor has experienced, as a result of the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) on January 31, 2020, with respect to COVID-19, a loss of revenue that would otherwise be used by the project sponsor to provide the non-Federal share for the project.

(3) ADJUSTMENT.—Notwithstanding any other provision of law, if the project sponsor of a project described in subsection (a) meets 1 or both of the criteria described in subsection (b), the Secretary of Transportation shall increase the Federal share of the project by not more than 30 percent, up to a maximum of Federal share of 80 percent.

(4) AMOUNT.—Amounts made available under this section shall be provided to a project described in subsection (a) notwithstanding the limitation of any calculation of the maximum amount of Federal financial assistance that may be provided to that project.

SA 2455. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2699, between lines 19 and 20, insert the following:

SEC. 804. (a) FAA OUTREACH TO COMMUNITY AND ELECTED OFFICIALS WHEN PROPOSING NEW OR MODIFIED FLIGHT PROCEDURES.—In order to avoid having to subsequently modify products and services developed as a part of the NextGen Performance Based Navigation (PBN) Implementation Process—FAA Order JO7100.41A, the Administrator of the Federal Aviation Administration shall comply with the requirements of this section.

(b) NOTIFICATION TO OFFICIALS.—The Administrator shall notify the public of any proposed new PBN flight procedure or flight procedure change affecting airspace at altitudes below 18,000 feet. This notification shall be made not later than 30 days after the date of the entry of the procedure into the FAA Performance Based Navigation IFP Gateway to the elected governing body of each of the cities and counties within 5 miles of such a proposed new or modified flight procedure, to any Member of Congress whose district is within 5 miles of such a proposed new or modified flight procedure, and to any Aviation Roundtable whose jurisdictional area is within 5 miles of such a proposed new or modified flight procedure.

(c) NOTIFICATION CONTENTS.—Notification shall be made with sufficient specificity for an official to determine if such new or modified flight procedure being processed is likely to affect constituents of such official and shall include—

(1) name of flight procedure;

(2) name of the proponent of the flight procedure;

(3) whether the flight procedure is a new or modified procedure and, if modified, the changes being proposed;

(4) name of existing procedure if the procedure substantially replaces an existing procedure;

(5) approximate flight path including latitude and longitude of the proposed procedure overlaid on a satellite map such as Google Earth or similar;

(6) approximate altitudes of proposed flight path; and

(7) contact person to provide additional information.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) AVIATION ROUNDTABLE.—The term “Aviation Roundtable” means an organization designed to address community concerns over a sustained period of time regarding aircraft operations often associated with a nearby airport.

(2) FAA ORDER JO7100.41A.—The term “FAA Order JO7100.41A” means FAA Order JO7100.41A and any other successor versions of such Order.

(3) FLIGHT PROCEDURE.—The term “flight procedure” means a preplanned Instrument Flight Rules (IFR) procedure published for pilot use, in graphic or textual format, that provides obstruction clearance from the terminal area to the en route structure (departure) or from the en route structure to the terminal area (arrival).

(4) IFP.—The term “IFP” means instrument flight procedure.

(5) **INSTRUMENT FLIGHT PROCEDURES GATEWAY.**—The term “Instrument Flight Procedures Gateway” means a centralized instrument flight procedures data portal providing, among others, current IFPs under Development or Amendments with Tentative Publication Date and Status.

(6) **ELECTED GOVERNING BODY.**—The term “elected governing body” means a municipal body having legislative and administrative powers, such as passing ordinances and appropriating funds, such as a City Council, Town Council, County Board of Supervisors, or similar.

(7) **PBN.**—The term “PBN” means performance based navigation.

SA 2456. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2656, line 7, insert “*Provided further*, That notwithstanding section 111(a) or (b) of title 23, United States Code, or the fee limitations in sections 137 or 142 of such title, the Secretary shall permit limited commercial activities for charging of electric vehicles on rights-of-way of any Federal-aid highway, including highways on the Interstate System, including in: (1) a rest area; or (2) a fringe or corridor parking facility, including a park and ride facility: *Provided further*, That, for purposes of this paragraph in this Act, limited commercial activities for charging of electric vehicles at rest areas described in the preceding proviso may be located as follows: (1) except as otherwise provided in this proviso, a State may permit such limited commercial activity unless it is located within 5 travel miles of an existing facility that is located no more than 1 mile from the Interstate and that, as determined by the Secretary, provides substantially the same services to the public in sufficient capacity at the time such determination is made; (2) if a State demonstrates to the Secretary that there is insufficient capacity providing substantially the same services to the public at an existing facility located no more than 1 mile from the Interstate and within 5 travel miles of a rest area, the Secretary may authorize the State to permit limited commercial activities for charging of electric vehicles within any distance of the existing facility; and (3) for purposes of this proviso, the type and amount of the electric vehicle service provided, including whether available technology meets current and projected needs, are relevant to a demonstration of sufficient capacity: *Provided further*, That nothing in the preceding two provisos shall permit commercial activities on rights-of-way of the Interstate System, except as necessary for the charging of electric vehicles in accordance with this paragraph in this Act:” after “proviso:”.

SA 2457. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684,

to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40101(a)(2) of division D, strike subparagraphs (F) and (G) and insert the following:

- (F) a fuel supplier;
- (G) a community choice aggregator; and
- (H) any other relevant entity, as determined by the Secretary.

SA 2458. Mr. LUJÁN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2520, line 5, insert “*Provided further*, That \$31,500,000 of the amounts made available under this heading shall be used for highway improvements on the routes to and from the Waste Isolation Pilot Plant, including to make payments to the State of New Mexico for such improvements pursuant to section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579; 106 Stat. 4791):” after “fiscal year:”.

SA 2459. Mr. LUJÁN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII of division D, insert the following:

SEC. 412. NATIONAL LABORATORY BIOTECHNOLOGY PROGRAM.

- (a) **DEFINITIONS.**—In this section:
 - (1) **EERE.**—The term “EERE” means the Office of Energy Efficiency and Renewable Energy of the Department.
 - (2) **NNSA.**—The term “NNSA” means the National Nuclear Security Administration.
 - (3) **OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE.**—The term “Office of Intelligence and Counterintelligence” means the Office of Intelligence and Counterintelligence of the Department.
 - (4) **OFFICE OF SCIENCE.**—The term “Office of Science” means the Office of Science of the Department.
 - (5) **PROGRAM.**—The term “Program” means the National Laboratory Biotechnology Program established under subsection (b)(1).
 - (6) **WORKING GROUP.**—The term “working group” means the working group established under subsection (b)(2).
- (b) **NATIONAL LABORATORY BIOTECHNOLOGY PROGRAM.**—
 - (1) **IN GENERAL.**—The Secretary shall establish a National Laboratory Biotechnology Program to integrate the resources of the Department, including the Office of Science, the Office of Intelligence and Counterintel-

ligence, the EERE, and the NNSA, to provide research, development, test and evaluation, and response capabilities to respond to—

- (A) biological disasters and emergencies;
- (B) long-term biotechnology threats and hazards impacting national security;
- (C) emerging and re-emerging diseases; and
- (D) any remaining threats posed by COVID-19.

(2) **WORKING GROUP.**—To carry out the Program, the Secretary shall establish a working group, which shall comprise appropriate leadership from the Office of Science, the NNSA, and the National Laboratories.

(3) **FUNCTIONS.**—The working group shall—

- (A) oversee the development and operation of major research activities of the Program;
- (B) identify Department programs and elements that will participate in the research and development activities of the Program;

(C) establish a formal process to engage the capabilities of the National Laboratories, including identifying a National Laboratory to be a coordinator for each research project carried out under the Program;

(D) collaborate with the directors of research directorates of the Department, directors of National Laboratories, and other senior Department officials, as appropriate, to gain greater access to top researchers and new and potentially transformative ideas;

(E) periodically review and recommend updates as necessary to Program policies and guidelines for the development and operation of major research activities, including by taking into consideration how those updates fit into the broader Federal response framework;

(F)(i) disperse funds to entities participating in activities under the Program; and

(ii) conduct periodic reviews to adjust funding allocations in response to changing biological disasters and emergencies, biotechnology threats, biodefense needs, or emerging and re-emerging diseases;

(G) enable access to broad scientific and technical expertise and resources that will lead to the deployment of innovative products, including through—

(i) research and development, including proof of concept, technical development, and compliance testing activities; and

(ii) early-stage product development, including through—

(I) computational modeling and simulation;

(II) molecular structural determination;

(III) genomic sciences;

(IV) epidemiological and logistics support;

(V) knowledge discovery infrastructure and scalable protected data;

(VI) advanced manufacturing to address supply chain bottlenecks;

(VII) new capabilities for testing of clinical and nonclinical samples;

(VIII) understanding environmental fate and transport of viruses; and

(IX) discovery of potential therapeutics through computation and molecular structure determination;

(H) support unclassified and classified research that harnesses the capabilities of the National Laboratories to address advanced biological threats of national security significance through assessments and research and development programs that—

(i) support the near- and long-term biodefense needs of the United States;

(ii) support the national security community in reducing uncertainty and risk;

(iii) enable greater access to top researchers and new and potentially transformative ideas for biodefense of human, animal, plant, environment, and infrastructure assets (including physical, cyber, and economic infrastructure); and

(iv) enable access to broad scientific and technical expertise and resources that will